

FORENSIC LINGUISTICS

AN INTRODUCTION
TO LANGUAGE,
CRIME AND THE LAW

司法语言学

语言、犯罪与法律

JOHN OLSSON 著

D90-055

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W 上海外语教育出版社
外教社 SHANGHAI FOREIGN LANGUAGE EDUCATION PRESS

图书在版编目 (CIP) 数据

司法语言学: 语言、犯罪与法律: 英文/奥尔森 (Olsson. J.) 著

—上海: 上海外语教育出版社, 2008

(外教社21世纪语言学新发展丛书)

ISBN 978-7-5446-0672-1

I. 法… II. 奥… III. 法律语言学—英文

IV. D90-055

中国版本图书馆CIP数据核字 (2008) 第 002521 号

图字: 09-2006-805号

Originally published by Continuum International Publishing Group in 2004.

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出版发行: 上海外语教育出版社

(上海外国语大学内) 邮编: 200083

电话: 021-65425300 (总机)

电子邮箱: bookinfo@sflep.com.cn

网址: <http://www.sflep.com.cn> <http://www.sflep.com>

责任编辑: 张传根

印 刷: 上海信老印刷厂

经 销: 新华书店上海发行所

开 本: 1000×1400 1/16 印张 18 字数 405千字

版 次: 2008年4月第1版 2008年4月第1次印刷

印 数: 3 100 册

书 号: ISBN 978-7-5446-0672-1 / H · 0301

定 价: 35.00 元

本版图书如有印装质量问题, 可向本社调换

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ACKNOWLEDGEMENTS

There are several people I would like to thank for their assistance in making this book possible. In fact, that is not quite true: there are not several people, but a great many, starting with my grandparents, parents, aunts and uncles and teachers. However, such a list would be far too long, so I will have to confine myself to those of more recent provenance. Firstly, I am indebted to Dr June Luchjenbroers of Bangor University, Wales, whose patient editing in the first instance helped to make the forensic texts themselves even more central to the book.

Secondly, I would like to place on record my thanks to Professor Malcolm Coulthard and to Mr Tim Johns, my former supervisors at the University of Birmingham, both of whom encouraged me to devote more time to discourse analysis and technical writing.

For specialised help in the preparation of this book, I am deeply indebted to:

- Mr Derek Painter, former head of mathematics at Llanfair Caereinion High School, Powys, Wales, and now its deputy head teacher, who read the sections on statistics and made many helpful suggestions. I hope I have implemented all of these – but if any errors remain, they are entirely my own. Mr Painter has also kindly given of his valuable time to several other forensic projects involving the synergies of computation;
- Professor Robert Hagiwara, of the University of Manitoba, who – with very little time to do so – read the phonetics chapter and gave important technical and other advice for its improvement.

I think it is important to mention Nebraska Wesleyan University, where I teach the world's first online course in forensic linguistics. NWU is a true liberal arts college in the best mid-west tradition because it is also a very forward looking university – being not only the first school in the world to teach forensic linguistics online, but also the first to include forensic linguistics as part of a postgraduate forensic science course.

Finally, my special thanks go to Anthony Haynes, Jenny Lovel, Sylvia Marson and Benn Linfield, and everyone else at Continuum for working so hard to bring this project to fruition.

John Olsson

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WHAT IS FORENSIC LINGUISTICS?

Forensic linguistics is an application of linguistics. Perhaps then we should begin by asking what linguistics is. Linguistics is the scientific study of language. There are many branches within linguistics, and the linguist might specialize in anything from language acquisition to grammar, language and society or – as in the present case – language, crime and the law.

In addition, linguists look at how the individual's use of language changes through the course of life, language universals – the elements shared by all languages, the structure of language sounds, language and society, and of course the subject of this book – language, crime and the law.

Language is the most advanced means of communication known to us, and its use is absolutely central to our existence. In the past few decades, the study of language and languages has greatly increased at centres of higher learning throughout the world. This has had massive benefits to both the science itself, and to students worldwide: whereas previously, linguistics inhabited its very own ivory tower within academia, it has in this time become less and less concerned with abstract theory and more concerned with the application of knowledge to everyday issues. One area that has greatly benefited from this approach is the interface between language and crime. In 1968, when Jan Svartvik analysed the statements of Timothy John Evans – hanged for the murder of his wife and baby, and posthumously pardoned – he coined the term *forensic linguistics* but for years little happened in the field. In time, however, it became evident that linguists could be of service to the law by helping those who had been treated unjustly by it, and in the early 1990s Malcolm Coulthard began to analyse other police statements. One of these was the text attributed to Derek Bentley, also hanged in the 1950s and – thanks largely to Coulthard – later pardoned.

In the interim, forensic linguistics has grown exponentially, both in the number of people with an interest in practising it and in the number of disciplines and sub-disciplines within its ambit, some of which are listed in Table 1.1.

In this book we will be discussing most of the above areas of forensic linguistics, except for language rights, courtroom discourse, and legal interpreting and translation. This is not because I view these areas as less interesting or important, but rather because they require a different approach from those areas that I will be dealing with.

Table 1.1 *Disciplines of forensic linguistics*

Category	Description
Authorship identification	Identifying authors of texts
Mode identification	Ascertaining whether a text was produced by speech, writing or some combination of both (e.g. part written, part dictated)
Legal interpreting and translation	Interpreting and translating in the courtroom, <i>viva</i> interpreting for police and defendants/witnesses; translating statements and other legal documents – issues of accuracy and fairness, the role of interpreters, their licensing, ‘control’, etc.
Transcribing verbal statements	In some legal systems statements are audio/video recorded and require transcription for courtroom use – issues of completeness and bias
The language and discourse of courtrooms	A study of the relationship between courtroom participants and the language they use – issues of power, prejudice, culture clashes, etc.
Language rights	These include: the language rights of minority groups in cultures dominated by other languages or other dialects of the same language, the linguistic rights of those without language, and the oppressiveness of bureaucratic language. Note that some of the other areas mentioned here are also concerned (sometimes indirectly) with language rights, e.g. interpreting, transcription of statements, courtroom discourse, etc.
Statement analysis	Analysing witness statements for their veracity
Forensic phonetics	Analysis of audio material for speaker identification and other purposes; voice line-ups

Textual status

Analysing texts and auditory material for their genuineness, e.g. genuine *vs* hoax emergency calls, genuine *vs* simulated suicide/ ransom notes, etc.; assessing risk from text

FORENSIC LINGUISTICS: AN UMBRELLA SCIENCE FOR MANY FIELDS OF STUDY

A forensic linguist is sometimes a general practitioner, and sometimes a specialist in any of a number of sub-areas within the science. For example, if you are a Shakespeare scholar, questions of authorship might interest you. If your interest is in phonetics, then voice identification may appeal. A conversational analyst might be interested in the detection of emergency hoax calls, while a dictation specialist may wish to analyse text for mode (speech, dictation, writing). Someone with a background in psychology, however, could be interested in discovering what it is that separates genuine from simulated text. A specialist in a foreign language, on the other hand, may be required to analyse English-language forensic text produced by speakers of that foreign language. A police officer with an interest in forensic linguistics could seek to study the question of veracity in language. A judge might take an interest in courtroom language. A rehabilitated offender could study the language of prison life. A doctor might investigate the use of language and crime in the medical context. Child language experts might study how children respond to questions from adults, what their answers mean and their reliability as witnesses. Specialists in reading and interpreting handwritten manuscripts could investigate forensic textual criticism.

As the reader can see, there are few if any boundaries, but perhaps we should make this discussion more concrete by looking closely at the many different types of forensic text which the linguist encounters in forensic work.

TYPES OF FORENSIC TEXT

Any text or item of spoken language is potentially a forensic text. If a text is somehow implicated in a legal or criminal context then it is a forensic text. A parking ticket could become a forensic text, a will, a letter, a book, an essay, a contract, a health department letter, a thesis – almost anything.

In practice, however, forensic linguists have mostly confined their attention to a small number of text types, some of which are included in the Forensic Text Appendix in this book.

Thus, the Appendix contains, among others, a forged will and a statement alleging sexual assault. There is a letter from a pipe bomber attempting to rationalize his crimes and a complaint about the practice of verballing.¹ We have a young mother claiming that she was carjacked and her children kidnapped and in another text the same woman appealing at a press conference for the safe return of her children. Finally, in another text we see this woman admitting to having killed her children.

There is a stalker text from John Hinckley – the man who attempted to kill President Reagan – addressed to a film star. There is the well-known police statement wrongly attributed to Derek Bentley and there are several other defendant and witness statements. There are a number of emergency calls to a fire department – several of which are hoax and the ransom note from Carlos the Jackal demanding safe passage out of Austria for himself and his hostages. There are also several other ransom demands, including that for the Enigma machine stolen from Bletchley Park in England. There are the Gilfoyle ‘confession’ and ‘suicide’ letters, as well as examples of smear, hate, trick, terror and incitement mail. Several confessions will be found among the texts, including that of a Serbian truck driver who transported bodies for the authorities during the Kosovo conflict. You will find a pair of texts plagiarized by two medical students, and an excerpt from the Unabomber’s text. There are the apparently forced confessions of the three westerners in the Saudi terror case, and the ransom note in the JonBénet Ramsey murder case, as well as the ransom note in the Lindbergh kidnap and murder. There are several death row final statements; a number of the seventeenth-century Salem confessions; a ‘suicide’ note faked for literary purposes (this is not strictly speaking a forensic text, but is of interest to forensic linguists for comparison purposes). Finally, there are several attested suicide notes including that of author Virginia Woolf and several elderly patients in hospital who were unwilling to burden their relatives with their illnesses, and miscellaneous other texts. Many of these texts are disputed; quite a few are attested. There are *no* invented examples. What is not included? I have tried to think of everything, but have become aware of several text types that could have been included. For example, Internet scams and hoaxes, e-mail threats, e-mail communications which include computer viruses, etc. And, if this were an audio book, I would have included examples of disputed spoken language.

However, despite these gaps, I hope that the reader will be able to judge from the above that the types of text encountered by forensic linguists are many and varied, and are thus of great importance as linguistic objects of study. Of course they also have importance for their social, legal and criminal provenance.

Those interested in developing their knowledge of forensic linguistics come to the discipline at a very interesting time. The science is young and new; nothing is yet cast in stone. Universities around the world are beginning to offer programmes in the field. Law enforcement agencies are beginning to see the importance of forensic linguistics. Within the science itself, many new developments are in the air. The discipline's main journal, *Forensic Linguistics*, has now been established for some years, but continues to be fresh and exciting in its approach. The whole area is ripe with debate and argument, and there is a healthy interest in new techniques and methods, although most universities have yet to commit major resources to research. At the time of writing, several books are newly published or are about to be published. There is a second major title in the field by Gerald McMenemy, another work edited by John Gibbon. There is Malcolm Coulthard's long-awaited study of the field, while many other major practitioners and researchers in this science are also continuing to contribute. The website www.thetext.co.uk will continue to list and review books and journals in this field.

WHO SHOULD USE THIS BOOK

This book is intended for students of forensic linguistics at undergraduate and postgraduate levels. It can be used on its own or in conjunction with other titles in the field. As indicated above, the book is also intended for non-specialists, such as law enforcement officers, legal professionals at all levels – from the newly qualified solicitor to the senior barrister, the magistrate to the judge. Psychologists and sociologists will also find the title of interest, particularly those who already have an interest in language. I have also received many e-mails from forensic chemists, fingerprint experts and even handwriting analysts who have been keen to learn about forensic linguistics. Nebraska Wesleyan University now include a course in Forensic Linguistics as part of their Masters of Forensic Science degree. Therefore, it is evident that experts in all forensic disciplines will be able to find this book useful.

HOW TO USE THIS BOOK

The first six chapters of the book are devoted to authorship, which is a major topic in forensic linguistics, but other areas such as statement analysis and plagiarism have not been neglected. It is suggested that you work through the authorship section thoroughly before going on to the other areas of forensic linguistics. You should do all the exercises given

(see Appendix A, for my comments on the exercises from a forensic linguistic perspective). Additionally, thoroughly familiarize yourself with the relevant texts in the Appendix. As mentioned above, the book contains significantly more forensic texts than any other book published to date. There is also a forensic linguistic website at www.thetext.co.uk. You should consider authorship to be one of the cornerstones of forensic linguistics. A grasp of authorship will enable you to progress to the other areas of the discipline. The university lecturer or college instructor using this book could consider going through a chapter a week in the first instance and then perhaps return to study areas of particular interest to the group at a later date. I believe this is a book that can be studied at many levels: while it is possible to gloss over the details and go for the broad picture in the first instance, sections can also be looked at in minute detail.

ABOUT THE AUTHOR

John Olsson spent a number of years in the 1970s as an interpreter for the Metropolitan Police in London, after which he studied psychology at degree level. A stint in business was followed by two post-graduate degrees in linguistics at Bangor, Wales and Birmingham, England. His M.Phil. dissertation was a statistical and qualitative analysis of the Derek Bentley text. He is frequently consulted by solicitors and law enforcement agencies requiring opinions on forensic texts, and operates an Internet consultancy service. He also runs online forensic linguistics courses for private individuals, law enforcement agencies and universities at www.thetext.co.uk. He is an adjunct professor at Nebraska Wesleyan University in the Masters of Forensic Science program.